

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 1, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:15 a.m. Mayor Golding recessed the regular meeting at 10:18 a.m. to convene the Redevelopment Agency, thereafter to convene as the Housing Authority. The regular meeting was reconvened by Mayor Golding at 10:20 a.m. with all Council Members present.

The meeting was adjourned by Mayor Golding at 10:41 a.m. into Closed Session to be held immediately in the twelfth floor conference room to discuss existing, anticipated, and potential litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present

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(8) Council Member Vargas-present

Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Adoption of the Juvenile Curfew Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
6/18/97. (Council voted 9-0.)

(O-97-122 Rev. 2) ADOPTED AS ORDINANCE O-18416 (New
Series)

Amending Chapter V, Article 8, of the San Diego
Municipal Code by adding Division 1, and by amending
and renumbering Sections 58.01, 58.01.1, and 58.01.2
pertaining to Juvenile Curfew.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A009-044.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Stevens. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Matter of a Rezone/Mid-City Communities Development
Permit and amendment to the Mid-City Communities
Planned District Ordinance to rezone a property from
Neighborhood Professional (NP)-1 to Commercial
Linear(CL)-5.(Renaissance Coffee Co.)

(MCD/RZ-96-0540. Uptown Community Area. District-2.)

TODAY'S ACTIONS ARE:

Subitem-A: (O-97-123) INTRODUCED, TO BE ADOPTED JULY 14,
1997

Introduction of an Ordinance for rezoning from NP-1 to
CL-5.

Subitem-B: (O-97-124) INTRODUCED, TO BE ADOPTED JULY 14,
1997

Introduction of an Ordinance amending the Mid-City
Communities Planned District Ordinance.

Subitem-C: (R-97-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-288917

Adoption of a Resolution granting or denying the permit
with appropriate findings to support Council action.

CITY MANAGER'S RECOMMENDATION:

Deny the rezone and MCD Permit. Do NOT introduce the ordinances
in Subitems A and B; deny Subitem C.

SUPPORTING INFORMATION:

The project proposes to allow the change of use of an existing
building from offices to restaurant and amend the Mid-City
Communities Planned District Ordinance to change the boundary
zone map for the Uptown Community from C-868 to C-877. Adoption
of the proposed rezoning from (NP)-1 to (CL)-5 would allow
implementation of the proposed project in the Uptown Community
Plan Area.

LEGAL DESCRIPTION:

The proposed project is located at 4229 Front Street, between
Arbor Drive and Dickinson Street and is more particularly
described as Lots 7 and 8, Block 1, First Street Addition,

Map-896, in the Uptown Community Planning Area.

CITY MANAGER SUPPORTING INFORMATION:

The requested Rezone and Mid-City Communities Development Permit is to change the zone of the subject property from NP-1 (Neighborhood Professional) to CL-5 (Commercial Linear) to allow a restaurant use as the primary use on the property. The 5,016-square-foot subject property is located in the center of a four block area currently zoned NP-1. The land use designation for the area in the Uptown Community Plan is "Hospital" and the property is surrounded by land owned by the University of California, San Diego (UCSD) Medical Center. On February 27, 1997, the Planning Commission voted 7-0 to recommend approval of Mid-City Communities Development Permit and Rezone No. 96-0540 with modifications. Because there was a concern raised by the Uptown Planners that other uses allowed under the proposed CL-5 zone may not be appropriate for the site, the Planning Commission modified the draft Mid-City Communities Development (MCD) Permit to allow the proposed coffee shop as the only permitted use on the site. If and when a different use is proposed for the site, the MCD Permit would need to be amended.

The Planning Commission further modified the MCD Permit to say that any amendment to the permit would be processed as a "Process 4" to ensure that the amendment would be brought before the Planning Commission for a decision. The proposed rezone of the property would be "spot zoning". Unfortunately, the City Manager cannot support the Planning Commission's recommendations. Spot zoning is not generally considered consistent with sound zoning practices. In this case staff is concerned that a very narrow zoning use (coffee house) would be permitted on one single lot which is surrounded on all four sides, and for several blocks, by another use. If this type of action were typically done, zone actions would result in arbitrary and inequitable land use designations. A more appropriate action, if it was determined that commercial restaurant uses of this type are appropriate in

this zone, would be to amend the uses allowed in the existing zone city wide (in this case the NP-1 zone in the Mid-City Communities Planned District). The City Manager, therefore, recommends denial of the Rezone and MCD Permit.

Culbreth-Graft/Christiansen/CBJ

FILE LOCATION: Subitem A,B: NONE; Subitem C: PERM -
MCDP-96-0540

COUNCIL ACTION: (Tape location: A054-110.)

Hearing began at 10:20 a.m. and halted at 10:24 a.m.

MOTION BY WEAR TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTION GRANTING THE PERMIT FOR THE RENAISSANCE COFFEE COMPANY WITH THE CONDITIONS SET BY THE PLANNING COMMISSION; AND ACCEPT MAYOR GOLDING'S RECOMMENDATION TO DIRECT STAFF TO RETURN TO THE LAND USE & HOUSING COMMITTEE WITH A MEMO TO COUNCIL, INCLUDING MAYOR GOLDING, AS TO HOW THEY WOULD RECOMMEND THAT THE PROCEDURE BE CHANGED SO IT IS NOT THIS DIFFICULT NEXT TIME AROUND. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: CONTINUED TO JULY 15, 1997

(Continued from the meeting of June 10, 1997, Item S500, at the City Attorney's and City Manager's request, regarding concerns expressed by Council and panel members.)

SUBJECT: In the matter of authorizing the joint application of Enova Corporation and Pacific Enterprises for approval by the California Public Utilities Commission, Case No.

96-10-038, and the Federal Energy Regulatory Commission, Case No. EC 97-012-000, of a merger of Enova Corporation and Pacific Enterprises, and related proceedings.

PURPOSE OF HEARING:

To take public testimony on the proposed merger and, if appropriate or necessary:

1) Give direction to the City Attorney concerning the City's participation in the indicated administrative hearings and related proceedings; and

2) Adopt a position regarding the proposed merger.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A009-044.)

CONSENT MOTION BY KEHOE TO ACCEPT MAYOR GOLDING'S REQUEST TO CONTINUE TO JULY 15, 1997, BECAUSE THEY ARE NOT AT A POINT WHERE THEY CAN DISCUSS THIS UNTIL ALL THE INFORMATION IS AVAILABLE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-333:

SUBJECT: Mercado Commercial Project - Stop Gap Funding Action.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1350) ADOPTED AS RESOLUTION R-288918

Authorizing the City Manager or designee to provide a loan to the Redevelopment Agency in the amount of \$385,000 from the Contributions to Redevelopment Agency Fund No. 10227, to the Mercado Commercial Project Fund No. 98901, Dept. 989015, to be repaid from the Urban Development Action Grant Fund No. 98901, Dept. 989013, when received by the Redevelopment Agency.

CITY MANAGER SUPPORTING INFORMATION:

The acquisition of land for the Mercado del Barrio Commercial Project in Barrio Logan has been completed and the Redevelopment Agency is now liable for a variety of settlement costs, relocation payments, hazardous materials clean-up charges, and legal fees that were included in the original project budget. However, a major funding source in the original budget, an Urban Development Action Grant (UDAG) of \$875,000, awarded to the project by HUD, has not been forthcoming due to delays in the developer (San Diego Mercado Associates) receiving final letters of commitment from their financial backers. As a result, we have final payments totaling \$457,000 that cannot be covered by existing funds on hand. Therefore, the Redevelopment Agency is proposing a loan of \$385,000 from the City Contributions to the Redevelopment Agency Fund to the Agency to cover immediately all Loss of Goodwill, Relocation, Legal and additional administrative costs, including required Court settlement costs (on or before July 1, 1997), to be repaid upon receipt of the UDAG grant funds. The additional pending costs, including hazardous materials clean-up costs, can be deferred until later in Fiscal Year 1998.

This action will provide for a loan from the Contributions to Redevelopment Agency Fund 10227 of \$385,000 to the Barrio Logan Mercado Commercial Project Fund 98901, Dept. 989015, to be repaid from already appropriated UDAG grant funds during FY 1998.

FISCAL IMPACT:

This action will reduce the existing Fiscal Year 1998 Contributions to Redevelopment Agency Fund by \$385,000 until repayment occurs during Fiscal Year 1998 from already appropriated UDAG funds.

Culbreth-Graft/Chilcott/BME

Aud. Cert. 9800010.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A111-338.)

MOTION BY VARGAS TO ADOPT AND MOVE THE PROJECT FORWARD.
Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-97-1372) ADOPTED AS RESOLUTION R-288920

A Resolution adopted by the City Council in Closed Session on July 1, 1997:

Authorizing the City Manager to pay the sum of \$53,825.49 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to Raymundo Nieto, et al; authorizing the City Auditor and Comptroller to issue one check in the amount of \$53,825.49, made payable to Luth Turley, Inc., in full settlement of all claims.

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Aud. Cert. 9701189

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 10:41 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A339).